

137  
16 May 1823.



(TITHES:  
Ireland.  
Composition.)

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# B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the establishing of Compositions for Tithes  
in *Ireland*, for a time to be limited.

**W**H **H**EREAS for the purpose of further encouraging the industry and enterprise of owners, farmers, and occupiers of Land in *Ireland*, and rendering the incomes arising from Tithes in *Ireland*, more certain in amount, and more easy of collection, and of avoiding controversies respecting the same, it is expedient that provision should be made for the authorizing Compositions to be made for Tithes there, to endure for a time to be limited;

**Be it therefore Enacted** by The KING's Most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT at any time after the passing of this Act, it shall be lawful for the Lord Lieutenant, or other chief governor or governors of *Ireland*, upon the application of the rector, vicar or other ecclesiastical incumbent, or of any impropriator or other person or persons entitled to any tithes or portion of tithes, or of any Five or more of the owners or occupiers of land, each holding or possessing lands of the yearly value (if owners) or at the yearly rent (if occupiers) of not less than Twenty pounds, in any parish in *Ireland*, to give orders and directions from time to time, when and as such Lord Lieutenant, or other chief governor or governors shall think proper, to the churchwardens of any such parish, such orders and directions to be signified to such churchwardens by the chief secretary to the Lord Lieutenant, or other chief governor or governors of *Ireland*, or in his absence by the under secretary, that a special vestry shall be assembled in such parish, to proceed in carrying into execution the purposes of this Act, and that such vestry shall be composed of such persons occupying land within such parish, who shall during the last preceding year, or the last preceding year but one, ending on the First day of November yearly, have paid the highest

Presumable:

For encouragement of land-owners, &c. and preventing controversies as to Tithes.

Lord Lieutenant on application of incumbent or impropriator, or for landholders occupying twenty pounds a year each, may give orders that special vestries be assembled in Parishes, for carrying this Act into execution, consisting of persons having paid the highest amount of Tithes to the incumbent for the year ending on first November preceding, or next but one.

363.

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or

Notice of such orders shall be given to the Bishop of the diocese, and the incumbent.

or greatest amount of Tithes to the ecclesiastical incumbent of such parish, to be ascertained in manner hereinafter mentioned, within such parish; and that notice or information shall also be given at the same time, by the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland (or in his absence by the under secretary) to the bishop of the diocese, in which any and every such parish shall be situate, and to the ecclesiastical incumbent of the parish, that orders and directions of the Lord Lieutenant, or other chief governor or governors of Ireland, have been given for holding such vestry in any such parish, for the purposes this Act.

Incumbent, &c. shall within fourteen days return a list of persons (15 to 20) having paid him the greatest amount of Tithes.

And be it further Enacted, That the ecclesiastical incumbent of every such parish, shall, within Fourteen days next after the date of such notice or information to him as aforesaid, prepare and deliver to the churchwardens of such parish, a list or lists of the names of not less than Fifteen and not more than Twenty persons having been charged with, and having paid or yielded the highest and greatest amount of Tithes, or any payment or composition in lieu of Tithes within such parish, to the incumbent of such parish, within the last preceding year or within the last preceding year but one, ending on the First day of November; and every such list or return shall be signed by such incumbent, according to the form in the Schedule (A.) to this Act annexed; and if it shall happen that any such incumbent shall not be entitled to or in the receipt of any rectorial or vicarial Tithes within any such parish in such year, such incumbent shall make a return stating the fact.

Churchwardens shall affix copy of such list of Tithes payers on the door of the church, for two successive Sundays.

And be it further Enacted, That after the receipt by the churchwardens of any parish, of any and every such list or return as aforesaid, containing the names of such persons charged with and having paid such Tithes as aforesaid, such churchwardens shall, upon the Sunday next after the receipt of such lists or returns, affix or cause to be affixed on the principal outer door of the church of such parish, or if there shall not be any church in such parish, then upon the principal outer door of every known place of religious worship within such parish, a copy of every such list or return, there to remain so affixed for Two successive Sundays next after the receipt of every such list or return by such churchwardens; and in case any such copy of any such list or return shall be removed from the door of such church or place of worship, or shall be destroyed or defaced at any time before the expiration of the last of the said Two successive Sundays, such churchwardens shall from time to time affix, or cause to be affixed, a new copy of such list or return on the door of such church or place of worship.

On appeal by persons charged with Tithes and whose names are omitted, &c. in such lists or re-

And be it further Enacted, That if any person who shall during the preceding year, ending as aforesaid, have been charged with and paid Tithes, or any payment or composition in lieu of Tithes, within any such parish, to the incumbent of such parish, shall think himself or herself aggrieved by the omission of his or her name from any such list, or by any error or mistake

5 mistake in the amount of such Tithes, stated in any such list to be chargeable on or payable by such person, it shall and may be lawful for any such persons, within the space of Ten days next after the second Sunday on which any such list shall have been affixed to the door of such church or other place of worship as aforesaid, to apply to any Two justices of the peace in and for the county or place in which such parish shall be situate, to have his or her name added to such list, or to have the error or mistake in the amount of such Tithes payable by such person rectified; and on producing to such justices a receipt or receipts from the incumbent, given to such person so complaining, for Tithes paid for such preceding year ending as aforesaid, to such amount as hereafter mentioned, or upon evidence on the oath of any credible witness or witnesses (which oath such justices are hereby empowered and required to administer) that the amount of such Tithes paid or yielded by such complainant within such year, was equal to, or exceeded the amount of Tithes paid by the person or persons whose name or names shall be contained in such list, as having paid the highest amount of Tithes to such incumbent, it shall be lawful for such justices to direct, by order under their hands to the churchwardens of the said parish, that the name of such complainant and the sum payable by him, shall be added to any such list; or that the amount of such Tithes payable by such person so complaining, shall be corrected and truly stated in any such list, as the case may require; and the name of such person, or the amount of such Tithes, shall be added to or inserted in such list or return, by such churchwardens accordingly.

turns, two magistrates may, on application within ten days after the second Sunday, add their names, &c. to such lists.

25 And be it further Enacted, That whenever such lists shall be made under this Act, no person shall be admitted or entitled to attend or to vote at any special vestry to be held for carrying into execution the purposes of this Act, other than such persons whose names shall appear in or be added to such lists under the provisions of this Act, and who shall have actually paid and satisfied the several sums due from them for Tithes, as specified in such lists, for such year (ending as aforesaid) or shall have actually yielded such Tithes in kind for such year to the amount or value stated in such lists; any law usage or custom to the contrary, in anywise notwithstanding.

No persons to attend or vote at vestry, but those whose names are included in such lists, and who have paid their Tithes for preceding year.

35 And be it further Enacted, That if any incumbent, by this Act required to make out and transmit any such lists and returns as aforesaid, shall refuse or neglect, or omit to make such lists or returns respectively; or if the churchwardens of any parish shall neglect or refuse to affix, or cause to be affixed, copies of any such list on the door of any church or other place of public worship, according to the provisions of this Act; or shall neglect or refuse to add to or insert in any such list, the name of any person, or the amount or value of Tithe payable by any person, in pursuance of the order of any two justices made pursuant to this Act, every person so offending shall forfeit the sum of Ten pounds, to be recovered and applied in manner hereinafter mentioned.

Penalty on incumbent, &c. and churchwardens neglecting to return or affix lists, &c. ten pounds.

On some day  
not sooner  
than  
three weeks,  
nor later than  
six weeks  
after  
affixing list of  
persons  
chargeable to  
Tithes, a  
special vestry  
shall be held  
for carrying  
this Act into  
execution.

And be it further Enacted, That after such lists or returns respectively shall have been transmitted as aforesaid, to the churchwardens of any such parish, public notice shall be given by such churchwardens, in the usual manner of notices given for holding vestries in such parish, that a special vestry, to consist only of persons whose names shall appear in or be added to such lists, under the provisions of this Act, will be holden in and for such parish, pursuant to this Act, on some day to be named in such notice, not being less than Three weeks, nor more than Six weeks distant from the Sunday on which any such list or return shall have been first affixed on the door of the church, or other place or places of public worship in such parish, pursuant to this Act, and such special vestry, consisting of such persons only as aforesaid, shall be holden, and shall meet accordingly on the day mentioned in such notice.

Where there  
is not a  
church-  
warden, the  
incumbent, or  
where incum-  
bent is not  
entitled to  
Tithes, im-  
propriator, or  
three  
persons, pay-  
ing Tithes to  
the amount of  
three pounds  
each, may,  
by leave  
of the Lord  
Lieutenant,  
call a vestry  
for the pur-  
poses of this  
Act.

Provided always, and be it Enacted, That in cases where there shall not be any churchwarden in any parish, it shall and may be lawful for the ecclesiastical incumbent, or in cases where it shall happen that no Tithes are payable to the ecclesiastical incumbent of any parish, it shall be lawful for any impropricator, or other person or persons entitled to any Tithes, or portion of Tithes in such parish, or for any Three or more persons charged with and having paid Tithes within such parish, to the amount or value of Three pounds each, or more, for the preceding year, ending on the First day of November, to apply to the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland, for leave to assemble a special vestry in such parish, for the purposes of this Act; and upon the consent of the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, signified to such persons by the chief secretary, it shall be lawful for such incumbent or impropricator, or Three such persons, by a notice, signed with his or their names, to require the attendance of all persons who shall have been charged with and paid Tithes within such parish, to the amount or value of Three pounds each, or upwards, for such preceding year, to such incumbent, impropricator, or other person, at a special vestry to be holden for the purposes of this Act, on some day not less than ten days, nor more than fourteen days distant from the date of such notice; and such notice so signed shall be affixed to the principal outer door of the church of such parish; or if there shall be no church in such parish, on the principal outer door of every other place of public worship in such parish; and it shall be lawful for all persons within such parish, who shall have been charged to and shall have paid Tithes within such parish, to the amount or value of Three pounds each, or upwards, but for no other person whatever (other than the ecclesiastical incumbent and the churchwardens, if any, of such parish) to attend at such vestry; and every person claiming a right to attend at such vestry shall bring with him, and shall produce to some one of the persons by whom such notice for the calling such vestry shall have been signed, a receipt or receipts for the amount or value of not less than Three pounds of Tithes paid by every such person respectively for the preceding year, ending as aforesaid; and at such vestry so assembled, all such

such proceedings shall and may be had in the execution of this Act, as are by this Act authorized to be had at any vestry on public notice, from the churchwardens of such parish.

- And be it further Enacted, That it shall be lawful for any Seven persons or more, qualified as by this Act is directed, and duly assembled at any special vestry duly called in pursuance of this Act ( and at which special vestry it shall be lawful for the incumbent, and churchwardens, if any, of such parish to be present) to proceed in the execution of the purposes of this Act; and in the first place, to elect a chairman to preside at such vestry; and all questions to be proposed at such vestry shall be decided by the majority of the votes of the persons present at such vestry, and subject to the payment of Tithes, in manner following; that is to say, all persons attending at such vestry who shall be charged with payment of such Tithes, in any such lastaforesaid, to an amount not exceeding Ten pounds in the whole, shall be entitled to one vote; and all persons so charged to an amount exceeding Ten pounds and not exceeding Twenty pounds in the whole, shall be entitled to two votes; and so in progression of one vote for every complete sum of Ten pounds with which any voter shall be charged to the payment of such Tithes, not exceeding Six votes in the whole by any one person, to whatever amount, above Sixty pounds, any such person may be charged to the payment of Tithes; and in case the number of votes given according to the proportions aforesaid, including the vote or votes of the chairman, shall be equal upon any question, such chairman shall have One casting vote for the decision of such question.

Seven vestry-men may proceed in execution of this Act.

Chairman.

Votes; one for every three pounds, or upwards to ten, two to twenty pounds, two votes; and one for every succeeding ten pounds rate of Tithes, not exceeding six in the whole. One casting vote.

- Provided always, and be it Enacted, That if at any meeting of any such special vestry, in which seven persons or more, duly qualified, according to this Act, to vote at such vestry, together with the ecclesiastical incumbent of such parish, shall be present, it shall be agreed between such parishioners, and such incumbent, that no proceedings shall be had under this Act, such vestry shall forthwith adjourn *sine die*, and no further proceedings shall be had under this Act, without further orders and directions from the Lord Lieutenant, or other chief governor or governors of Ireland, for that purpose, pursuant to this Act; and if at any meeting of such special vestry as aforesaid, such parishioners and such incumbent shall disagree as to whether proceedings shall or shall not be had under this Act, the vestry shall be adjourned from time to time, or *sine die*, as may be agreed upon at such vestry, subject to being re-assembled at any time within Three years, on application of the incumbent, or of any person entitled to Tithes, or any Five or more occupiers of land within such parish, pursuant to the provisions of this Act; and the ecclesiastical incumbent, or the churchwardens of such parish, if any, shall certify such result of the meeting of such special vestry, in writing under their hands, and signed with their names, to the office of the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland, for the information of such Lord Lieutenant, or other chief governor or governors; and if such incumbent or churchwardens shall omit or neglect to certify such result, every person so

If parishioners and incumbent at vestry agree in not proceeding, or disagree as to proceeding under this Act, vestry shall be adjourned *sine die*, or subject to being re-assembled at any time within three years, on application of incumbent or, or five landholders and a certificate of such adjournment sent to the Chief Secretary

Fine on not certifying adjournment five pounds.

offending shall forfeit the sum of Five pounds, to be recovered and applied in manner hereinafter mentioned.

If  
more  
vestrymen do  
not attend,  
vestry shall  
adjourn sine  
die, &c.

Provided also, and be it Enacted, That if at the first meeting of any special vestry to be held in any parish, in pursuance of this Act, there shall not be present Seven persons at least entitled to attend at such vestry, for the purposes of this Act, all proceedings under this Act shall and may be adjourned by the incumbent, or by the churchwardens, or by one of the persons by whom the notice for calling such special vestry shall have been signed, for any number of days not more than Seven; and such incumbent or churchwardens or other person shall cause a written notice of every such adjournment to be fixed on the principal outer door of the church of such parish; or if there shall not be any church in such parish, then on the principal outer door of every other place of public worship within such parish; and if, after two such adjournments, an attendance of Seven persons so entitled to attend at such vestry shall not be procured, such special vestry shall be adjourned *sine die*, and the incumbent, or the churchwardens of such parish, or such other person as aforesaid, shall certify such adjournment to the office of the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland, and such vestry shall not be assembled until further directions shall have been issued from the Lord Lieutenant, or other chief governor or governors of Ireland, for that purpose, pursuant to this Act; and if such churchwardens or other person shall omit or neglect to certify such adjournment accordingly, every person so offending shall forfeit the sum of Five pounds, to be recovered and applied in manner hereinafter mentioned.

Penalty on not  
certifying  
adjournment  
five pounds.

Vestry duly  
assembled,  
and agreeing  
with incum-  
bent to pro-  
ceed under  
this Act,  
shall elect a  
person (quali-  
fied by real  
estate of  
one hundred  
pounds  
a year,  
&c. or per-  
sonal estate of  
two hundred  
pounds)  
to be a com-  
missioner on  
behalf of the  
owners and  
occupiers of  
land, to treat  
with a com-  
missioner to  
be named by  
the incum-  
bent, &c. for  
making a  
composition  
for all Tithes.

And be it further Enacted, That whenever any special vestry, consisting of seven or more in number, shall be duly assembled for the purposes of this Act, and it shall be agreed between the parishioners and the ecclesiastical incumbent of such parish, to carry into execution the purposes of this Act, such vestry shall proceed to elect nominate and appoint a fit and proper person, who shall be seized of a freehold estate, or estate or estates in fee simple or fee tail, or for life, of the annual value of One Hundred pounds at the least, situate in any part of Ireland, or who shall be heir apparent to any person so seized, or who shall be seized or possessed of a leasehold estate or estates for life, or for a term of years whereof not less than fourteen years shall be unexpired, of the yearly value of Two Hundred pounds at the least, situate in any part of Ireland, or who being possessed of a leasehold estate for life, not being of such value, shall be also possessed of a leasehold estate or estates for a term of years as aforesaid, which together with such estate for life shall amount to the clear yearly value of Two Hundred pounds at the least in any part of Ireland, or who shall be possessed of personal property to the value of One Thousand pounds, over and above all his just debts, and shall be resident in the county in which such parish shall be situate, to be a commissioner for carrying into execution the purposes of this Act, on behalf of all the owners and occupiers of land within such parish, and to treat with a commissioner to be named and appointed in manner here-  
after

after mentioned by the ecclesiastical incumbent of such parish, for the making and ascertaining a Composition for all the Tithes, rectorial or vicarial, predial, personal or mixed, or of any nature or kind soever, growing, rising, arising, payable or yielded within such parish, whether such Tithes shall be payable wholly to the rector, vicar, or other ecclesiastical incumbent, or to any body politic or corporate or collegiate, or to any corporation aggregate or sole, or to any other person or persons whomsoever, lay or ecclesiastical; and notice of the election nomination and appointment of such commissioner, on behalf of the owners and occupiers of land in the said parish, and the name and place of abode of such commissioner, shall be transmitted by the churchwardens of such parish, or by the chairman of such vestry (as shall be directed by such vestry) to the bishop of the diocese in which such parish shall be situate, and to the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland, in writing under the hand, and subscribed with the names or name of such churchwardens, or of such chairman of such vestry, within Three days next after such election nomination and appointment shall have taken place, in pursuance of this Act.

Notification of such election to the Bishop of the diocese, and the chief secretary, within three days.

And be it further Enacted, That the rector, vicar, or other ecclesiastical incumbent of any parish in which any special vestry shall have appointed a commissioner on behalf of the owners and occupiers of land within such parish, according to the provisions of this Act, forthwith or within Seven days next after the appointment of such commissioner by such vestry, shall, by writing under the hand and seal of such ecclesiastical incumbent, appoint a fit and proper person to be a commissioner on the part as well of such incumbent as of any person or persons, or body politic or corporate or collegiate, or corporation, being the owner or owners of any Tithes, arising, growing, yielded or payable within such parish, to treat with the commissioner appointed by such vestry, for the making a composition for all Tithes arising, growing, yielded or payable within such parish; and such incumbent shall give and transmit notice in writing to the churchwardens of such parish, and to the bishop of the diocese, and to the chief secretary of the Lord Lieutenant, or other chief governor or governors of Ireland, of the name and place of abode of such commissioner so appointed, within Seven days next after such appointment shall be made; and in all cases where any person, or body politic or corporate or collegiate, or corporation, other than the ecclesiastical incumbent of such parish, shall be entitled to the receipt of any rectorial vicarial or other Tithes, arising, growing, yielded or payable within such parish, such incumbent shall also give notice in writing, within the like space of Seven days, of the name and place of abode of such commissioner, to any and every person, or body politic or corporate or collegiate, or corporation, entitled to such rectorial or vicarial or other Tithes; and it shall be lawful for any and every such person, or body politic or corporate or collegiate, or corporation, so entitled to such rectorial or vicarial or other Tithes, to submit to the bishop of the diocese any objection to the person so appointed by such incumbent to be such commissioner; and it shall be lawful for such bishop, at any

Incumbent shall also within seven days appoint a commissioner and give notice, within seven days after, to the Bishop and churchwardens. The Bishop may approve or disapprove of such commissioner after a fortnight, and within three weeks; if not disapproved within three weeks to be held approved, if once disapproved of, a second may be appointed by the incumbent within seven days, and if he be disapproved of, a commissioner shall be appointed by the Archbishop.

time not less than Two weeks and not more than Three weeks after the date of such appointment, to signify to such incumbent the approbation or disapprobation of such bishop, of the person so appointed to be such commissioner; provided, that in case no disapprobation of such commissioner by such bishop, shall be made and signified by such bishop, by writing under his hand, on some day within Three weeks after the date of the appointment of such commissioner, such appointment shall be deemed and taken to be approved by such bishop, and such commissioner shall thereupon be authorized and empowered to proceed in the execution of this Act; and if such bishop within Three weeks after the date of the appointment of such commissioner, shall by any writing under his hand signify his disapprobation of such commissioner, the incumbent by whom such commissioner shall have been named and appointed, shall, within Seven days next after the receipt of such disapprobation, nominate and appoint another person to be commissioner, in like manner as is heretofore directed, and shall give like notices of such appointment to such bishop and chief secretary, and to any and every person or body politic or corporate or collegiate, or corporation, who may be interested in any rectorial, or vicarial or other Tithes, as are hereinbefore required in case of the first appointment of such commissioner; and it shall be lawful for such bishop to signify his approbation or disapprobation of such secondly named commissioner, in like manner and under like regulations as are heretofore contained respecting such first named commissioner; and if it shall happen that such bishop shall signify his disapprobation of such second person, so named to be such commissioner by such incumbent as aforesaid, then and in such case, upon notice given and application made by such incumbent to the archbishop of the province in which the diocese of such bishop shall be situate, of such disapprobation of such bishop, of the two persons so successively named by such incumbent to be such commissioner, it shall be lawful for such archbishop to nominate and appoint a fit and proper person to be a commissioner to act in the execution of the purposes of this Act, on behalf of such incumbent, and of any other person, or body politic or corporate or collegiate, or corporation entitled to any rectorial or vicarial or other Tithes arising and payable within such parish; and it shall and may be lawful for such incumbent or other person, or body politic or corporate or collegiate, or corporation, or for the owners and occupiers of land in any parish, to make application to such archbishop for that purpose; and in case of refusal by such archbishop, it shall be lawful for the Court of King's Bench in *Ireland*, to direct a writ of mandamus to such archbishop, to enforce the making such nomination and appointment of such commissioner by such archbishop, pursuant to this Act.

Application and mandamus to archbishop to appoint.

Oath of Commissioners.

And be it further Enacted, That no person shall be capable of acting as a Commissioner for the purposes of this Act, until he shall have taken and subscribed an oath or affirmation, in the words or to the effect following; that is to say,

" I, A. B. do swear (or, being one of the people called Quakers, do solemnly affirm) That I will faithfully, impartially and honestly

“ honestly, according to the best of my skill and ability, to  
“ inquire into and ascertain the real value of the Tithes paid or  
“ charged upon the lands, in the parish of  
“ and thereupon will execute and perform the powers and au-  
5 “ thorities vested and reposed in me as a commissioner, by  
“ virtue of an Act passed in the fourth year of the reign of  
“ King GEORGE the Fourth, intituled, [*here set forth the Title*  
“ *of this Act*] according to the directions of the said Act, and  
“ according to equity and good conscience, and without favour  
10 “ or affection, prejudice or malice to any person or persons  
“ whomsoever.

“ So help me GOD.”

[*Or, if the person be a Quaker, omit the words, “ So help me God.”*]

And no person shall be capable of acting as a commissioner for the pur-  
15 poses of this Act, on behalf of the owners and occupiers of land in any  
parish, until he shall have also taken and subscribed an oath or affir-  
mation, in the words or to the effect following; that is to say,

Oath of qual-  
ification of  
commission-  
ers for the  
parish.

“ I, *A. B.* of do swear, [*or, being one of the*  
“ people called Quakers, do solemnly affirm], That I am seized  
20 “ of a freehold estate [*or, estates*] in fee simple [*or, in fee tail, or,*  
“ as tenant for life], in possession, of the annual value of  
“ pounds [*or, that I am heir apparent of C. D.*  
“ who is seized of an estate [*or, estates*] in fee simple, or fee  
“ tail, of the annual value of pounds] [*or, that*  
25 “ I am seized of a leasehold estate for life, [*or, for a term of*  
“ years whereof not less than years are unexpired,  
“ of the annual value of pounds] [*or, that I am*  
“ seized of leasehold estate [*or, estates*] for life, and am also  
“ possessed of leasehold estate or estates for a term of years,  
30 “ whereof not less than years are unexpired, which  
“ are together of the annual value of pounds],  
“ and that such estate [*or, estates*] is [*or, are*] situate in [*stating*  
“ *in all cases, in what part of Ireland any or every such estate is*  
“ *or are situate, and specifying the name of the estate or estates,*  
35 “ *or other descriptions of the property*]; and that such estate  
“ [*or, estates*] is [*or, are*] *bona fide* my property : [*or, in case*  
“ of freehold estate, the property of to whom  
“ I am heir apparent : ] [*or, that I am possessed of a clear per-*  
“ sonal estate and property of over and above  
40 “ all my just debts and incumbrances, and that I reside in the  
“ county of }.

“ So help me GOD.”

[*Or, if the person be a Quaker, omit the words, “ So help me God.”*]

Which several oaths or affirmations any justice of the peace of any  
45 county in which the parish shall be situate, in which such commissioner  
shall be appointed to act, is hereby empowered to administer; and every  
such oath or affirmation when so taken and subscribed, shall be lodged by  
363. C such

Penalty for  
acting with-  
out taking  
oaths  
one hundred  
pounds.

such commissioner, in the registry of the bishop of the diocese in which such parish shall be situate; and if any person shall presume to act as a commissioner, in the execution of this Act, without having taken and subscribed the oath or oaths or affirmation or affirmations required by this Act, every such person shall for every such offence forfeit and pay the sum of One hundred pounds to any person or persons who shall sue for the same, to be recovered by action of debt or on the case, in any of His Majesty's Courts of Record at Dublin. 5

Appointment  
of commis-  
sioner in case  
of death, &c.

And be it further Enacted, That if any commissioner appointed in pursuance of this Act, shall die, or shall neglect or refuse to act, or shall become incapable of acting in the execution of this Act, then and in every such case, a new commissioner shall be appointed for the execution of this Act, by the owners or occupiers of the land, or by the incumbent, or his successor, by whom or on whose behalf the commissioner so dying, or neglecting or refusing to act, was originally appointed; and the appointment of such new commissioner on behalf of the owners or occupiers of land, shall be made at a special vestry to be called according to the directions of this Act, to consist of Seven persons at the least, qualified for electing a commissioner pursuant to the regulations of this Act, in pursuance of a notice to be given on some Sunday, in writing, to be affixed on the principal outer door of the church of such parish; or if there shall not be any church in such parish, then on the principal outer door of every other place of public worship within such parish, at least Fourteen days before the day appointed for the nomination of such commissioner; and the appointment, as well of such new commissioner on behalf of the owners and occupiers of land, as of such new commissioner on behalf of the incumbent, shall be subject to the like rules and regulations; and the appointment of such new commissioner on behalf of the incumbent, shall be subject and liable to the same approbation or disapprobation of the bishop of the diocese, and finally to the interference and nomination of the archbishop of the province, as are hereinbefore contained with respect to the appointment of the commissioner originally appointed, and every such new commissioner shall take the oath or oaths by this Act required to be taken respectively; and shall have the like powers and authorities in all respects, as the commissioner in whose room he shall be appointed. 10 15 20 25 30 35

Commis-  
sioners em-  
powered to  
agree in fixing  
amount of  
sums to be  
paid as a com-  
position for  
all Tithes,  
after due in-  
quiry from  
the incum-  
bent of the  
parish, and  
the occupiers  
of land, on  
an average of  
years not less  
than seven.

And be it further Enacted, That it shall be lawful for the said two commissioners so respectively appointed on behalf of the said several parties, and such commissioners are hereby authorized and empowered, to agree upon and to ascertain and fix the amount of the yearly sum of money to be paid to the incumbent, and any other person, or body politic or corporate, or collegiate, or corporation entitled to any Tithes, rectorial or vicarial, predial, personal or mixed in the parish where such commissioners shall be so appointed, as a composition for and in satisfaction of all such Tithes; and that such amount shall be calculated upon an average of all the sums paid or agreed or ascertained or adjudged to be paid, in such parish on account of Tithes during any number of successive years not less than Seven, preceding the First day of November One thousand 40 45

thousand eight hundred and twenty-one, and that the amount of such composition shall not in any case be less than the average annual amount of all such sums as shall, during such years, have been paid, or agreed or ascertained or adjudged to be paid, to the ecclesiastical incumbent, and to the impropriator, or other person or persons, or body or bodies corporate or collegiate, or corporation ecclesiastical or lay, entitled to any Tithes or portion of Tithes in such parish, and shall not in any case exceed such average annual amount in a greater proportion than One-third, and for that purpose the said commissioners shall meet together from time to time, and it shall be lawful for the said commissioners to require from the incumbent, and every other person or body politic or corporate or collegiate, or corporation, entitled or claiming to be entitled to or interested in the receipt of any such Tithes, a full and particular statement in writing, under the hand of such incumbent, and other person, or of any steward or agent of any body politic or corporate or collegiate, or corporation aggregate or sole, or any person or persons, of the nature of his or their claims or claims respectively, and to what particulars such claims apply, and out of or upon what land within such parish, and by what persons, such Tithes are claimed to be issuing, yielded, chargeable, payable or paid, and the nature amount and value of all Tithes claimed, or payable or receivable, or yielded or paid and received or agreed or ascertained or adjudged to be paid in kind or otherwise, for and during any number of successive years preceding, not less than Seven, and it shall be lawful for such commissioners to call before them, as well the incumbent, or any steward or agent of any body politic or corporate or collegiate, or corporation aggregate or sole, or any person or persons entitled or claiming to be entitled to such Tithes or any of them, as also any owner or occupier of any lands, or any other person or persons charged or chargeable with the payment of such Tithes, and to examine any such incumbent, or steward or agent, or owner or occupier of land, and any other person or persons whomsoever upon oath (which oath the said commissioners are hereby authorised and empowered to administer) as to the truth of any fact of which such commissioners may require to be satisfied, for the purpose of obtaining the information requisite for the making of any agreement for such composition.

such composition not to be lower than such average, nor to exceed it more than one third.

And be it further Enacted, That if any commissioners acting in the execution of this Act, shall not agree in settling and ascertaining the amount of the composition for Tithes to be paid and made for any parish, pursuant to the provisions of this Act, it shall be lawful for such commissioners to refer the settling and ascertaining of the amount of such composition for such parish, to the decision of some third person, not interested in the question, as an umpire; and such umpire shall be nominated and appointed by such commissioners, by writing under their hands; and notice of the appointment of such umpire by such commissioners, shall be given by such commissioners in writing under their hands, and shall be transmitted by such commissioners to the office of the chief secretary for the information of the Lord Lieutenant, or other

If commissioners cannot agree, they shall appoint an umpire, and give notice to the chief secretary, bishop, incumbent, or the owners, and clerk of the vestry.

chief governor or governors of *Ireland*, and to the bishop of the diocese, and to the incumbent and churchwardens of the parish, and to every person, or body politic or corporate or collegiate, or corporation, entitled to any Tithes in such parish, and to Three or more of the persons who shall have attended at the special vestry at which either of the said commissioners was appointed; and the decision of any umpire so to be nominated or appointed as aforesaid, shall be final and conclusive. 5

Powers of Umpire in ascertaining the amount of the composition.

And be it further Enacted, That it shall be lawful for any Umpire so to be appointed as aforesaid, and such Umpire is hereby authorized and required to ascertain and fix the amount of the yearly sum of money to be paid as a composition for and in satisfaction of all Tithes payable in such parish, in like manner, and upon the same principles as the two commissioners by whom such umpire shall be appointed, are by this Act authorized to ascertain and fix such composition; and it shall be lawful for such umpire to proceed in ascertaining and fixing such composition, either upon such information as shall have been obtained by such two commissioners, or it shall be lawful for such umpire to make such further inquiries, and to proceed in such manner in all respects as such commissioners might have proceeded under this Act, in obtaining the information requisite for the ascertaining and fixing of such composition; and such umpire shall for that purpose have and exercise all such powers and authorities as are by this Act given to such two commissioners, and as such two commissioners might have used and exercised for the purposes of this Act. 10 15 20

If commissioners do not agree, or appoint an umpire within four months, they shall certify to Lord Lieutenant, and if Lord Lieutenant in council shall not appoint a commissioner, the case may be referred to reconsideration of commissioners, and on failure of their then agreeing or appointing an umpire within one month, Lord Lieutenant shall appoint umpire, and if umpire do not make his decision within six months; or if the parties disagree as to

And be it further Enacted, That in any case where it shall happen that any commissioners acting in the execution of this Act, shall not agree in settling and ascertaining the amount of such composition, within Four calendar months after their first meeting, and on failure of an agreeing, in case such commissioners do not appoint such umpire within such space of Four calendar months, such commissioners shall transmit to the Lord Lieutenant, or other chief governor or governors of *Ireland*, a certificate under their hands, stating the grounds and causes of the difference between them, and shall from time to time give any information or explanation of their proceedings under this Act, which shall be required by the Lord Lieutenant, or other chief governor or governors of *Ireland*, as signified by his or their chief secretary; and thereupon it shall be lawful for the Lord Lieutenant, or other chief governor or governors of *Ireland*, by and with the advice and consent of His Majesty's Privy Council in *Ireland*, to deliberate and determine on the propriety and necessity of appointing a commissioner, and to appoint a commissioner for the purposes of this Act, in the room of such commissioners so disagreeing; and in case the Lord Lieutenant in council shall decide that it is not proper or necessary to appoint a commissioner as aforesaid, it shall and may be lawful for the Lord Lieutenant, or other chief governor or governors of *Ireland*, to refer the case for the reconsideration of the commissioners originally appointed; and in case such commissioners shall not, within one calendar month next after such reference, agree either in settling and ascertaining the amount of such composition, or in naming an umpire for that 25 30 35 40 45

that purpose, it shall then be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to nominate a person to be such umpire, and such umpire shall have all such and the same powers and authorities as if he had been originally appointed by the commissioners in pursuance of this Act; and in case any umpire appointed by any commissioners, or by the Lord Lieutenant or other chief governor or governors of *Ireland*, in pursuance of this Act, shall not make his decision within Six calendar months next after he shall be appointed for that purpose, notice in writing shall be given to the chief secretary of the Lord Lieutenant, or other chief governor or governors of *Ireland*, by such umpire, that he has not made any decision; and thereupon, or in any case where at any meeting of any special vestry held in any parish under this Act, the incumbent, or the persons assembled at such vestry shall, either of them, have expressed his or their desire of proceeding to carry this Act into execution, and the other of the said parties shall not have agreed to carry this Act into execution, either at such special vestry, or at some other special vestry to be held within Three years after the time when any order of the Lord Lieutenant, or other chief governor or governors of *Ireland*, for the assembling a special vestry in any parish, or carrying into execution the purposes of this Act, shall have been first signified pursuant to the provisions of this Act; or in any case where a certificate or return of any such commissioners or umpire shall not be made and lodged, pursuant to the provisions of this Act, in the registry of the bishop of the diocese, in manner hereinafter required, within a like space of Three years; or in any other case where effectual proceedings shall not be had under this Act, within a like space of Three years; then and in every or any such case, it shall and may be lawful for the Lord Lieutenant, or other chief governor or governors of *Ireland*, with the advice and consent of His Majesty's Privy Council in *Ireland*, at any time or times, if he and they shall think proper so to do, and from time to time as to him and them shall seem fitting and expedient, to appoint some person, not being owner or proprietor of any Tithes, nor owner nor occupier of any lands subject to the payment of any Tithes, or composition for Tithes in such parish, nor being agent or steward of any person so interested, to be a commissioner for the purposes of this Act, and for the ascertaining and settling the amount of the annual sum to be paid in such parish, as a composition and satisfaction for all Tithes arising or growing due, yielded or payable within such parish; and such amount shall in every such case, be ascertained and settled by such commissioner, upon consideration of the quantity of all land in such parish not being Tithe free, and according to the average annual value of the produce of such land, and of the lawful Tithe of such produce, and in pursuance of any such directions, and in compliance with any such orders as shall be given, for that purpose, to such commissioner from the Lord Lieutenant, or other chief governor or governors of *Ireland*, or his or their chief secretary: Provided always, That nothing herein contained shall extend or be construed to extend to authorize or empower the Lord Lieutenant, or other chief governor or governors of *Ireland*, to appoint any such commissioner in any parish in which the parishioners and the ecclesiastical incumbent shall have agreed in vestry, that no proceedings

proceedings as if effectual proceedings are not had under this Act, within three years after appointing select vestry, a commissioner may be appointed by the Lord Lieutenant to make a composition according to the quantity and value of land in the parish.

But not where the parties have agreed not to proceed.

shall

shall be had under this Act, so long as such agreement shall continue.

Oath of  
umpire or  
commissioner  
appointed by  
Lord Lieu-  
tenant.

And be it further Enacted, That no person shall be capable of acting as an umpire, in the execution of this Act, whether appointed by commissioners or by Lord Lieutenant, or other chief governor or governors of Ireland, nor of acting as a commissioner appointed by the Lord Lieutenant, or other chief governor or governors of Ireland, until he shall have taken and subscribed an oath or affirmation in the following form; (that is to say)

" I, A. B. do swear [or, being one of the people called Quakers, do solemnly affirm] That I will faithfully, honestly and impartially, according to the best of my skill and ability, execute and perform the powers and authorities reposed in me as umpire [or, commissioner] by virtue of an Act passed in the Fourth year of the reign of King GEORGE the Fourth, intituled, [*here insert the title of this Act*] according to equity and good conscience, and without partiality, favour or affection, prejudice or malice, to any person or persons whomsoever; and that I am not owner or proprietor of any Tithes, nor owner nor occupier of any lands subject to the payment of any Tithes, or composition for Tithes, in the parish of \_\_\_\_\_ of \_\_\_\_\_ nor agent or steward of any person so interested. " So help me GOD."

[Or, being a Quaker, omit the words, " So help me GOD."]

Which oath or affirmation it shall be lawful for either of the commissioners, by whom such umpire shall be appointed, or for any justice of the peace for the county in which the parish shall be situate, relating to which such umpire or commissioner shall be appointed, to administer the same; and they or any one of them are and is hereby authorized to administer the same; and such oath or affirmation, when so taken and subscribed by such umpire or commissioner, shall be annexed to the certificate or return of the amount of such composition to be made by such umpire or commissioner, pursuant to this Act, in manner hereinafter mentioned.

Com-  
missioner of Lord  
Lieutenant  
empowered to  
ascertain the  
amount of  
composition,  
and the price  
of which  
and oats for  
three  
years  
pending.

And be it further Enacted, That any commissioner to be appointed by the Lord Lieutenant, or other chief governor or governors of Ireland, with the advice and consent of His Majesty's Privy Council in Ireland, for executing this Act, shall have and exercise all such powers and authorities for the purpose of ascertaining and fixing the amount of the yearly sum of money to be paid as a composition for, and in satisfaction of, all Tithes by law payable in such parish, as are by this Act given to any two commissioners, to be appointed by the incumbent or other person or persons entitled to such Tithes, and by the owners and occupiers of land in such parish, or to any umpire to be appointed by such commissioner, or by the Lord Lieutenant or other chief governor

or

or governors of Ireland; and such commissioner so to be appointed by the Lord Lieutenant, or other chief governor or governors of Ireland, shall ascertain and fix the amount of such composition accordingly, and in like manner and upon the same principles as such commissioner or umpire  
 5 are directed to ascertain and fix the same; and such commissioner shall also, from the *Dublin Gazette*, or by such other ways and means as such commissioner shall think proper, inquire and ascertain what has been the average price of the barrel of good marketable wheat and  
 10 oats, in the county in which such parish shall be situate, during the term of Three years immediately preceding; and if such average price of wheat or oats in such county cannot be ascertained to the satisfaction of such commissioner, then and in such case he shall, in like manner inquire into and ascertain the price of wheat and oats in the city of  
 Dublin for the term of such three years immediately preceding.

15 And be it further Enacted, That it shall be lawful for any commissioners or umpire or commissioner acting under this Act, in case they or he shall think fit so to do, to cause a survey and admeasurement to be made of all the lands and grounds in any such parish, and an estimate of the value of the annual produce of all such lands and grounds  
 20 as shall not be Tithe free, and of the amount of composition for Tithes, to be made payable in and for such parish; and when and as such admeasurement and estimate or valuation shall be made and completed, such estimate or valuation or a duplicate thereof, shall be deposited by such commissioners or umpire or commissioner, at some convenient  
 25 place in such parish, for the inspection of all persons interested in such lands or Tithes; and such commissioners or umpire or commissioner, within Seven days next after such estimate or valuation shall be deposited, shall give and deliver a notice in writing to the churchwardens of such parish, and to the incumbent and other person or persons entitled  
 30 to any Tithes in such parish, or to the composition or any part of the composition for such Tithes, that such estimate or valuation hath been deposited, and where the same may be inspected; and shall also in such notice appoint some convenient place within such parish, and a time (not earlier than Twenty-one days from such notice) when and where such commissioners or umpire or commissioner will attend to hear objections from the  
 35 incumbent or other person or persons entitled to such Tithes or composition for the same, or any part thereof, or from the owners or occupiers of lands within such parish, who may be dissatisfied with such estimate or valuation or either of them, and such commissioners or umpire or commissioner shall attend at the place and time to be appointed; and it shall be lawful for such commissioners or umpire or commissioner to hear and  
 40 determine any objections which may be then and there made to such estimate or valuation, or to adjourn the further hearing of such objections, if such commissioners or umpire or commissioner shall think proper, to a future time; and it shall be lawful for such commissioners or umpire or commissioner to examine any person or persons on oath (or in the case of Quaker or Quakers on solemn affirmation) touching any such  
 45 objections (which oath or affirmation any such commissioner or umpire is hereby authorized and empowered to administer;) and when such

Commissioners may cause a survey and valuation to be made of lands and Tithes in the parish,

and within seven days give notice of its being deposited, and may after twenty-one days hear objections thereon, and award the same.

commissioners or umpire or commissioner shall have heard and determined all such objections, if any, as may be so made, it shall be lawful for such commissioners or umpire or commissioner to cause such estimate or valuation to be altered; and if any alteration or alterations shall be made therein, such altered estimate and valuation shall be left and deposited at the same place as the first estimate or valuation was deposited at, for the inspection of all persons interested in the lands or Tithes in such parish, and notice in writing shall forthwith be given by such commissioners or umpire or commissioner to the churchwardens of such parish, and to the incumbent and other person or persons entitled to such Tithes or composition for Tithes, or any part thereof, of the depositing of such altered or amended estimate or valuation.

Old surveys may be used if the commissioners, &c. think proper.

Provided always, and be it Enacted, That if any plan, survey, estimate or valuation, made of all or any part of the lands or Tithes in any such parish, shall be produced and laid before such commissioners or umpire or commissioner, of the authenticity and accuracy of which he or they shall be satisfied, it shall and may be lawful to and for them or him to make use of such plan, survey, estimate or valuation, to assist in the survey and estimate or valuation directed by this Act to be made, without causing any new survey or estimate to be made of such lands.

Power to enter lands.

And be it further Enacted, That it shall and may be lawful for any commissioners or umpire or commissioner for carrying this Act into execution, and for the surveyor to be employed as aforesaid, and for any person or persons employed as clerk assistant or servant to such commissioners or umpire or commissioner or surveyor respectively, and he and they is and are hereby empowered and authorized, for the purposes of this Act, to enter into and upon all and every or any of the lands and grounds in any such parish, without being subject to any action or molestation for so doing.

Two commissioners, or umpire, or the Lord Lieutenant's commissioner, shall make and sign certificate of amount of composition, valuing the then price of wheat and oats on average of three years, and transmit such certificate to the Bishop, &c. to be recorded in the registry of the diocese, and also send copies to the incumbent and Tithe owner.

And be it further Enacted, That when any two commissioners appointed under this Act, or any umpire named by such commissioners, or by the Lord Lieutenant, or other chief governor or governors of *Ireland*, or any commissioner appointed by the Lord Lieutenant, or other chief governor or governors of *Ireland*, in pursuance of this Act, shall have finally agreed upon or shall have ascertained and fixed the amount of composition to be paid for Tithes in any parish under the provisions of this Act, such commissioners, or umpire or commissioner, as the case may be, shall make and sign a certificate, according to the form in Schedule (B.) to this Act annexed, or in such other form as the nature of the case may require, stating the amount of the true and just composition which shall thenceforth be paid in satisfaction of all Tithes in such parish, and in what proportions such composition shall be paid, or divided to or amongst the party or parties entitled to such Tithes, or any particular share or proportion of such Tithes; and such commissioners, or umpire or commissioner, shall subjoin to such certificate a statement of the average price of wheat and oats for the period of Three years next preceding the date of such certificate, calculated upon the returns

advertised

advertised in the *Dublin Gazette*, during the Three years next preceding the date of such certificate, or ascertained by such ways and means as such commissioners, or umpire or commissioner, respectively, shall have thought proper; and such commissioners, or umpire or commissioner, shall transmit such certificate to the bishop of the diocese in which such parish shall be situate, and shall also transmit a duplicate of such certificate made and signed in like manner, to the registrar of such bishop, to be entered and recorded in the registry of such diocese, and such certificate shall be entered and recorded accordingly; and such commissioners, or umpire or commissioner, shall also transmit or deliver one copy of such certificate to the churchwardens of such parish, and also another copy to the incumbent of such parish, and one copy thereof to any and every person, or body politic corporate or collegiate, or corporation entitled to any part or proportion of such composition for Tithes; and every such copy shall be signed with the names or name, and in the proper hand-writing of such commissioners, or umpire or commissioner, by whom such certificate shall be made.

And be it further Enacted, That the certificate of such commissioners or umpire, or commissioner as aforesaid, shall be conclusive evidence of the amount of such composition, and that such composition was duly fixed and ascertained pursuant to the directions of this Act; and such certificate and the amount of the composition thereby fixed and ascertained, shall be valid and effectual to all intents and purposes whatsoever, and shall not be disputed or called in question or invalidated in any manner whatever, on account of or under pretext of any informality or irregularity with respect to any proceedings had under this Act at any time previous to the making of such certificate; and the composition specified in such certificate shall take effect from the First day of November next ensuing the date of such certificate, and shall continue to be levied for the term of Twenty-one years, from such First day of November (subject only to such variation as may be made in the amount thereof, according to the price of wheat in any period of Three years, according to the provisions hereinafter contained;) and from and after the registry of such certificate, such composition shall be deemed and taken to be, and to amount in law and in fact to a suspension of the right of claiming or taking the Tithes for which such composition shall be made, or of any payment in respect of such Tithes, other than the amount of such composition for and during such term of Twenty-one years; and all and every the owners and occupiers of any land in such parish shall, during the said term of Twenty-one years, hold such land free and discharged of and from all Tithes, and of and from all payments in respect of Tithes, other than the amount of such composition; and on such Tithes, nor any payment in lieu or satisfaction of such Tithes, other than such composition, shall at any time during such term of Twenty-one years be claimed or taken by any incumbent, or any other person or persons whomsoever, either as owner or lessee of such Tithes, or any portion of Tithes, within such parish; any law, statute, custom or usage, or any lease, covenant or

Certificate shall be conclusive evidence of composition, and shall not be invalidated by informality in any previous proceedings.

Such composition shall commence from first November ensuing, and shall continue for twenty-one years, from such first November, and shall suspend the right of taking Tithes, or any payment for Tithes, other than such composition for such twenty-one years, subject to variation on price of wheat every three years.

Composition  
liable to state  
charges as  
Tithes.

Rent of  
Tithes shall  
be paid in  
lieu of com-  
position.

agreement to the contrary in anywise notwithstanding; and such composition shall be subject and liable to all such charges as the Tithes in respect of which such composition shall have been made, were by law subject and liable to: Provided always, That when any owner or occupier of any land, out of which any such Tithes shall have been issuing shall be liable, by or under any covenant, to the payment of any sum or sums of money to the party entitled to such Tithes, as and for the rent of such Tithes, such owner or occupier shall, during the continuance of such covenant, pay such rent or sum to the person or persons entitled to the same, and such rent shall be received by such person or persons in lieu of such portion of such composition, as shall be assessed and apportioned upon such occupier in respect of such land. 5 19

Amount of  
composition  
shall be as-  
sessed and  
apportioned by  
Commissioners  
on occupiers of  
all land not  
Tithe free.

And be it further Enacted, That before the First day of November next after the making and signing of such certificate, the commissioners, or umpire or commissioner, by whom such certificate shall be so made and signed, shall, and they or he are and is hereby required to assess and apportion the full amount of such composition upon the occupiers for the time being of land, or owners of land occupying the same, within such parish, not being Tithe-free, equally in proportion, and according to the true annual value of the several lands holden by such occupiers respectively, and to be paid from time to time by the occupiers of such land for the time being, regard being had to any survey and valuation of such lands which may have been made for the purposes of this Act; and every such assessment and apportionment so made, shall be entered in a book to be delivered, by such commissioners, or umpire or commissioner to, and to be carefully kept in the custody of, the resident ecclesiastical incumbent or minister of such parish, or if there shall not be any such resident ecclesiastical incumbent or minister, then in the custody of the churchwardens of such parish, or in such other place and in the custody of such person as shall be ordered and directed by such commissioners, or umpire or commissioner, as aforesaid; and such assessment and apportionment shall state the amount of the whole composition to be paid in such parish, the particulars and annual value of the land holden by each occupier for the time being, the specific part or proportion of the amount of such composition which shall be paid in respect of each district, field or other parcel of land in the possession or occupation of every such occupier, the amount of the whole composition, to be paid by each occupier for the time being, from time to time, the rate at which such amount is calculated on the value of the land, and the proportion in which such composition shall be payable by such occupier to the several persons entitled to such composition, or any part thereof, according to the certificate thereof hereinbefore mentioned; and every such assessment shall be signed by the commissioners, or umpire or commissioner, by whom the same shall be made; and the book containing the same, so be delivered and kept as aforesaid, shall be open for the inspection of every occupier of land in the said parish, at all reasonable times, without fee or reward; and it shall 15 20 25 30 35 40 45

Such assess-  
ment to be  
entered in a  
book, and  
signed by  
one  
of the  
special surveyors.

shall be lawful for such owner or occupier, at his own expense, to take any extract or copy of such Assessment or applotment, or any part thereof.

Provided always, and be it Enacted, That no land shall be exempted from any assessment or applotment to be made under this Act, nor from the payment of any part of any sum assessed or applotted under this Act, solely upon the ground that dry or barren cattle have been fed or agisted on such land, or any part thereof; and that any claim of exemption, or the pendency of any action, or suit in law or equity, respecting any exemption or alleged exemption of any lands from the payment of Tithes, shall not prevent or delay the applotment or assessment of any part or portion of such composition upon such lands, nor the payment of such part or portion when ascertained and fixed according to the regulations of this Act; and in case it shall happen that after any such applotment and assessment of any such composition shall have been at any time made in any parish, any land in such parish made subject to the payment of any part of such composition, shall by virtue of any decision in law or equity, be declared to be exempted from the payment of Tithes, it shall be lawful for the special vestry in such parish, at the next meeting to be held pursuant to this Act, for the annual assessment and applotment of such composition, to assess and applot the sum formerly assessed on such lands so exempted, in equal proportions upon the occupiers of all other lands within such parish, not being Tithe-free; and also to assess and applot upon the occupiers of such other lands, any such sum and sums of money as shall be sufficient to repay to the occupier of the lands so exempted, all such sums as shall have been paid in respect of any former composition made by virtue of this Act, at any time after the claim shall have been made, on which such exemption shall have been decided; and such last-mentioned sum and sums of money shall be collected by the person or persons appointed to collect such composition, and shall be paid over to the occupier of such land so exempted, in such manner and under such regulations as shall be made at such special vestry for that purpose.

No land shall be exempted from assessment solely in respect of barren cattle agisted, nor in respect of any depending claim of exemption from Tithe.

When lands assessed to composition shall be afterwards declared exempted, the occupier charged there-with shall be repaid, &c.

And be it further Enacted, That copies of such assessment and applotment shall be made and attested by the commissioners, or umpire or commissioner, by whom such assessment or applotment shall be made, and shall be by them or him delivered to the resident ecclesiastical incumbent of such parish, and to all and every person and persons, or body politic or corporate or collegiate, or corporation, entitled to any portion of such composition, or to his or their agent, or to any person or persons appointed to collect such composition, or any portion thereof respectively, by or on behalf of such incumbent and other person or persons, or body politic or corporate or collegiate, or corporation; and it shall be lawful for any person or persons appointed for that purpose by such incumbent or other person or persons, or body politic or corporate or collegiate, or corporation, and such person or persons so appointed are hereby authorized to collect and levy such compositions, or such part thereof, as such incumbent

Copies of assessment shall be delivered by Commissioners to the incumbents, and other persons entitled to the composition, to be levied by half yearly payments, after first May and first November in each year.

or other person or persons, or body politic or corporate or collegiate, or corporation, shall be entitled to, by two equal half yearly payments in each year, the one whereof shall be and become due on the first day of May, and the other on the first day of November, in each and every year, during the continuance of such composition.

5

*Appor-  
tion-  
ment of half-  
yearly composi-  
tion on  
death of in-  
cumbent be-  
tween  
first November  
and  
first May,  
or between  
first May  
and  
first November.*

Provided always, and be it Enacted, That upon the death, cession, resignation or removal of the incumbent of any parish, or of any other person or persons entitled to any such composition for Tithes, or any part, share or proportion thereof, at any time in the half-year between the first day of November and the first day of May, or in the half-year 10 between the first day of May and the first day of November respectively, the executors or administrators of such incumbent, or other person or persons, shall be entitled to and shall receive so much and such part of the composition payable to such incumbent, or other person or persons, as shall be in proportion to the number of days elapsed between 15 the first day of November or the first day of May next proceeding the death, cession, resignation or removal of such incumbent, or other person or persons, and the day of the death, cession, resignation or removal of such incumbent or other person or persons.

*Original  
assessment  
shall be evi-  
dence of sums  
payable.*

And be it further Enacted, That the original assessment and applot- 20 ment, made signed and entered in such book, as aforesaid, shall be conclusive evidence of the amount of the sums payable by every occupier of land, in respect of such composition for Tithes in any such parish, and of the proportion in which such sums shall be payable to the incumbent, and other person or persons, or body politic or corporate or collegiate, or 25 corporation, entitled to the whole or any part of such composition; and that the amount of such composition, and of the several portions thereof payable by every such occupier, according to such assessment and applotment, and all arrears thereof from time to time, not exceeding the amount of one whole year of such composition, shall be a charge on the land spe- 30 cified in such assessment and applotment during the continuance of such composition; and that it shall be lawful for the incumbent, and for every or any other person or persons, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part share or portion thereof, to levy the amount of such composition, or of such part share or 35 portion thereof, or to cause the same to be levied on and upon the several lands specified in such assessment and applotment, in preference to any other charge upon such lands, whether for rent, or for any taxes or assessments, parliamentary or other; and it shall and may be lawful for any collector or person appointed to collect and levy such composi- 40 tion, or any part thereof, by the incumbent, or other person or persons, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, to collect and levy the amount of such composition from time to time as the same shall become due; and every such collector so appointed shall collect and levy, and is hereby 45 authorized empowered and required to collect and levy all and every sum and sums of money which shall become due from time to time, in respect

of

*Composition  
shall be a pro-  
pensible charge  
on the land,  
not exceed-  
ing  
one year's  
amount  
and leviable  
by the collec-  
tors of the in-  
cumbent, and  
other parties  
entitled, by  
distress, or in  
case of suit,  
or recoverable  
by action, &c.  
or as Tithes  
might be  
received.*

of such composition, to the incumbent, or other person, or body politic or corporate or collegiate, or corporation, in whose behalf such collector shall be appointed to levy the same; and it shall be lawful for such incumbent, and every other person, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part or portion thereof, or the collector of such incumbent or other person, or body politic or corporate or collegiate, or corporation, to distrain on the land on which such composition shall be charged, or on any part of such land, for such arrears of such composition as shall at any time remain due and unsatisfied, not exceeding the amount of one year's composition; and it shall be lawful for every such collector, and they are hereby respectively authorized empowered and required to levy and collect all and every such sums and sums, with like powers and authorities, and in like manner to all intents and purposes, as collectors of any grand jury cess are empowered to collect and levy such cess, and with all the like remedies in case of nonpayment of any such sums, or of any part thereof, as are prescribed by law with respect to any money to be levied under any presentment of a grand jury; and in default of any sufficient distress, the incumbent, or other person or persons, or body politic or corporate or collegiate, or corporation, entitled to such composition, shall and may have such remedies by suit at law or in equity against the parties liable to the payment of such composition, or any part thereof, and their heirs, executors, administrators and assigns, or lessors of any land may have against their lessees, or as might have been had or taken for the recovery of the Tithes in respect of which such composition was made, if no such composition had been made under this Act.

And be it further Enacted, That in any case where it shall happen that no sufficient distress shall be found on the land of any occupier liable to the payment of any sum, as his part share or proportion of such composition, such occupier shall forfeit and lose three times the amount of the sum payable by such occupier; and it shall be lawful for the incumbent, or other person or persons, or body corporate or collegiate, or corporation, entitled to the sum payable by such occupier, to sue for such forfeiture in the court of Exchequer at Dublin, and to recover such forfeiture with full costs of suit: Provided always, That in such case no other proceeding shall be had or taken for the recovery of the sum due from such occupier on account of such composition.

In case of want of sufficient distress, occupier shall forfeit double the sum payable, recoverable with costs in the Exchequer.

And be it further Enacted, That whenever, under the provisions of this Act, any composition shall be made for the Tithes payable in any parish, every person who shall afterwards let set or demise any land lying within such parish, shall make such lease or demise free from the payment of Tithes during the continuance of such composition; and in such case it shall and may be lawful for the lessee or occupier of such land to pay the amount of such composition as shall be due from time to time, in respect of the lands demised by such lease, to the incumbent and other person, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, or to the person

Owners of land, in any parish, for the Tithes of which composition is made under this Act, shall let such land Tithe-free, and the occupier paying the composition, may deduct it out of his rent.

or persons employed to collect such composition; and it shall be lawful for such lessee or occupier of such land, to deduct the amount of all such payments from time to time, out of the amount of rent payable by such lessee or occupier of such land to his immediate landlord; and the receipt or acquittance of the incumbent, or other person, or body politic or corporate or collegiate, or corporation, entitled to such composition, or any part thereof, or of his or their collector, shall be a good and sufficient discharge to the lessee or occupier of such land, for so much of the rent payable by such lessee or occupier to such landlord, as the sum specified in such receipt shall amount unto; and every such landlord shall accept such receipt in payment of so much of the rent payable by such lessee or occupier to him: Provided nevertheless, That such deduction shall not be held to be a discharge of any portion of any gale, or quarterly or other payment of rent, due by such lessee or occupier of such land, so as to prejudice the right of such landlord to recover the possession of such land by ejectment for nonpayment of the rent thereof, in any case where the remaining portion of such gale shall be unpaid; but that it shall and may be lawful for such landlord to proceed for the recovery of such land by ejectment, as effectually as if the entire gale, or quarterly or other payment of rent, out of which such deduction is hereby allowed, had remained wholly due and unpaid to such landlord.

But such deduction shall not be a discharge to prevent ejectment for nonpayment, if any part remains unpaid to the landlord.

Between first day of May and first day of October is the third year after first day of November from which composition shall have commenced (and so in every subsequent third year) the incumbent, or impropriator, or Tithe owners, or those landholders charged with five pounds a year to composition money (on notice given on the Sundays, the last being eight days previous to session) may apply to quarter sessions to alter amount of composition for ensuing three years, in proportion

And be it further Enacted, That at any time between the first day of May, and the first day of October, in the third year next after the first day of November, on which any composition for Tithes under this Act shall be directed to commence in any parish; and in like manner at any time between the first day of May, and the first day of October, in every subsequent third year during the continuance of such composition, but in no other or intermediate year, it shall and may be lawful for the ecclesiastical incumbent of such parish, or for any impropriator or other person or persons, or body corporate or collegiate, or corporation sole or aggregate, entitled to such composition, or any part thereof, or for any Three or more owners or occupiers of land in such parish charged with the payment of the sum of Five pounds or upwards each, in respect of any such composition, to cause a notice in writing, signed by such incumbent or impropriator, or other person or persons, or by the steward or agent of any such body corporate or collegiate, or corporation, or by such owners or occupiers of land, to be affixed on the principal outer door of the church of such parish, or if there shall not be any church in such parish, then upon the principal outer door of every known place of religious worship in such parish, on Two successive Sundays, the last of such Sundays not being less than Eight days previous to the day of holding the ensuing quarter session for the peace in the county in which such parish shall be situate, signifying that it is the intent of such incumbent or impropriator, or other person or persons, or body corporate, or corporation, or owners or occupiers of land, to make application to the Justices of the peace at such quarter sessions to have the average price of wheat and oats for the Three years preceding inquired of and ascertained, in order that such composition may be varied and increased

cc

or diminished for the ensuing Three years, in proportion to such average price; and it shall be lawful for the persons or parties by or on whose behalf such notice shall have been so given, to make such application to such Justices at such quarter sessions, in writing, for such purpose accordingly; and thereupon it shall be lawful for such Justices, and they are hereby required at such sessions, or any adjournment thereof, to ascertain the average price of good marketable wheat and oats within the said county, for the term of Three years next preceding such application; and for that purpose it shall be lawful for the said Justices at such quarter sessions (if they shall think fit so to do) to nominate and appoint a person to be an arbitrator for ascertaining the average price of the barrel of good marketable wheat and oats within such county for the term of Three years then last past; and such arbitrator is hereby authorized and required, from the *Dublin* Gazette, or by such other ways and means as he shall think proper, to ascertain the price of a barrel of good marketable wheat and oats in such county, upon the average of such term of Three years preceding, and to state and set forth such average price by his report in writing, under his hand, to be delivered to the Justices at such session, or some adjournment thereof, or at such time as such Justices shall direct; and if it shall appear that the average price of wheat in such county for such Three years preceding, is more or less by One-tenth than the average price thereof, set forth in the original certificate of such composition, then and in such case, the amount of such composition shall be increased or diminished by order of such Justices at such session, in such manner, and to such extent, that the amount of such composition payable for and during the next ensuing Three years, shall bear the like proportion to the average price of wheat so calculated for such Three preceding years, as the composition mentioned in such certificate originally bore to the average price of wheat mentioned in such certificate; and such revised or new composition shall be divided among the several parties entitled to receive the same, in such shares and proportions as shall be stated in the certificate made of the original composition; and the assessment and applotment of such composition shall be increased or diminished by the order of such Justices, so as to bear the like proportion to the assessment and applotment of such original composition; and such revised and new composition shall be in full force for Three years from the first day of November then next ensuing, and until such composition shall afterwards, upon a like application, be again varied and ascertained, according to the average price of wheat during the term of Three years then last past; and the several parties are hereby respectively authorized to make such further applications from time to time, after the expiration of every term of Three years during the continuance of such composition, in such or the like manner and form as hereinbefore mentioned and directed with respect to the first application; and the costs charges and expenses of every such application to the cost of quarter sessions, and of varying and re-ascertaining the amount of such composition as aforesaid, shall be defrayed by the person or persons who shall give such notice and make such application as aforesaid, or in such manner as such Justices at such quarter sessions

to average price of wheat for three years preceding.

If price of wheat in preceding three years varies by one-tenth from price stated in certificate of composition, composition may be increased or diminished by the Justices for the next three years from first September.

and so from three years to three years.

If wheat  
higher and  
oats lower,  
no alteration  
shall be made  
in amount of  
composition.

sessions shall order and direct: Provided always, That in cases where it shall happen that the average price of wheat for such three years preceding, shall be higher than the average price of wheat set forth in such original certificate, and the average price of oats for such three years preceding shall be lower than the average price of oats set forth in such certificate, no alteration shall be made in the amount of such composition.

After  
twenty-one  
years, when  
the composi-  
tion shall  
expire, all  
right to  
Tithes shall  
revive.

And be it Declared and Enacted, That from and immediately after the expiration of the term of Twenty-one years for which any composition for Tithes in any parish shall be made under the authority of this Act, all right and claim to such Tithes, and all remedies for the recovery of the same, shall revive and be renewed, and such Tithes shall be yielded and paid and payable, and recovered and recoverable in all respects, and to all intents and purposes, as if this Act had not been made, and as if no such composition had been made or paid under this Act; any thing in this Act contained to the contrary in anywise notwithstanding.

This Act to  
extend to all  
parishes and  
corporations  
entitled to  
Tithes,

And be it further Enacted, That this Act, and the several provisions therein contained, shall extend, and be deemed and construed to extend, to all ecclesiastical persons, and bodies corporate or collegiate, and to all corporations sole or aggregate, and to all incumbents of parishes, whether rectors, vicars or curates, and to all impropriators and appropriators, and to all and every person and persons whomsoever, ecclesiastical or lay, being the owner or owners of, or entitled to any Tithes or portions of Tithes in *Ireland*, as fully and effectually as if all such persons, or bodies corporate or collegiate, or corporations sole or aggregate, were named specified or referred to in the several clauses of this Act, and to the known agents or stewards of all such persons, or bodies corporate or collegiate, or corporations duly authorized respectively; and that all notices by this Act required to be given to, and all matters by this Act required to be done by any such person, or body corporate or collegiate, shall and may, in the absence of any such persons, and on behalf of any such body politic or corporate, or collegiate, or corporation, be given to, and done by any such known agent or steward duly authorized thereto respectively; and all such matters and things which shall be done in the due execution of this Act, by any such known agent or steward, duly authorized on behalf of any such person, or body corporate or collegiate, or corporation, shall be as valid and effectual as if the same had been done by such person, or body corporate or collegiate, or corporation, to all intents and purposes whatsoever; and that all matters by this Act required to be done by or with relation to the churchwardens of any parish, shall and may be done by or with relation to any one churchwarden, where there shall be only one churchwarden in any parish: And in cases where it shall happen that there shall not be any churchwarden in any parish, then all matters by this Act required to be done, by or with relation to the churchwardens of any such parish, shall and may be lawfully done by or with relation to any one or more person or persons, to be for that purpose nominated and appointed as and in lieu and instead

and their  
agents and  
stewards.

Churchward-  
ens or per-  
sons appoint-  
ed to act as  
such.

stead of churchwardens, or a churchwarden of and for such parish, by order of the Lord Lieutenant, or other chief governor or governors of Ireland, on the application of the ecclesiastical incumbent of such parish for such purpose; and all acts matters and things done and performed under this Act, by or with relation to any such persons so to be nominated and appointed as in lieu and instead of churchwardens, shall be as good and effectual, to all intents and purposes whatsoever, as if the same were done and performed by the churchwardens or churchwarden of any parish, duly appointed according to law.

10 Provided always, and he it Enacted, That where any two or more parishes shall have been or shall be united into one benefice under any Act or Acts in force in Ireland, such union shall not be considered as one parish for the purposes of this Act, but the provisions of this Act shall be carried into effect in the several parishes of any such union or united  
15 benefices, or any of them; and the ecclesiastical incumbent and the churchwardens entitled by law to act in or for any such parish as part of such union or united benefice, shall act in and for any such parish in the execution of this Act, as if such parish were and remained a distinct and separate benefice; any such union or any thing contained  
20 in any Act or Acts in force in Ireland, relating to such unions, to the contrary in anywise notwithstanding.

Proceedings under this Act in united benefices, shall be carried on in the several parishes of such Unions.

And he it further Enacted, That the possession and enjoyment of the lands on or out of which any composition shall be charged and payable under this Act, by the occupier of such lands, discharged from the pay-  
25 ment of such Tithes during the continuance of such composition, and the receipt of such composition, by the incumbent or other person or persons, or body politic or corporate or collegiate, or corporation, entitled to the same, or any proportion thereof, shall be deemed and taken to be in law and in fact tantamount to, and to be, the actual possession and  
30 enjoyment of such Tithes by such incumbent or other person or persons; or body politic or corporate or collegiate, or corporation, and of his or their successor or successors; and that the payment of any composition, or any part thereof, under this Act, shall be deemed and taken to be the payment of the Tithes, in satisfaction of which such composition, or any  
35 part thereof, shall be payable; and shall and may be so alleged and insisted upon, in all and every or any proceedings and proceeding in law and equity in all cases whatsoever.

The possession of the land by occupier discharged of Tithes, and the payment and receipt of the composition by the incumbent, &c. shall be deemed the possession and payment of the Tithes

And he it further Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other chief governor or governors of Ireland for the time being, to order and direct that any such sum or sums of money as he or they shall think proper, shall from time to time be advanced out of the produce of the consolidated fund arising in Ireland, for the defraying of any expenses to be incurred in the carrying this Act into execution in any parish in Ireland, not exceeding the sum of Five Hundred  
45 pounds, with relation to any one parish; and that all such advances shall be made to such persons, at such times, in such manner, and

Lord Lieutenant may order advance of money for carrying this Act into execution in any parish, not exceeding £. 500 to be repaid by assessment in addition to

Tithe composition, by instalments of one-third in three successive years.

under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, or other chief governor or governors of *Ireland*, and as shall be signified in the usual manner by the chief secretary of such Lord Lieutenant, or other chief governor or governors, or in his absence by the under secretary; and that on the production of a certificate of the amount of the money so advanced under the hand of such chief secretary or under secretary, to any collector or collectors of any composition, or any part of any composition under this Act, it shall be lawful for such collector or collectors, and he and they is and are hereby authorized and required to collect and levy one third part of the amount of the money contained in such certificate, on and among the owners and occupiers of land in such parish, in exact proportion to the amount of the assessment and applotment of the composition, or part of the composition collected and levied by any such collector, and in addition to the amount assessed and applotted in respect of such composition for the ensuing year, and in like manner one other third part of such amount in each of the Two years next ensuing; and such additional amount shall be collected and levied by any person authorized to collect and levy any proportion of such composition, and at such time, and with such powers, and in like manner in all respects, as such proportion of such composition may be collected and levied; and all money so collected in respect of such advance, shall be paid over by the person receiving the same, to the collector of excise for the district in which such parish shall be situate, to be accounted for by him, as any other public money in his hands.

Recovery of Penalties before one Justice of Peace.

And be it further Enacted, That all penalties and forfeitures inflicted or imposed by this Act, (the recovery and application whereof are not before provided for) may, in case of nonpayment thereof, be recovered in a summary way by the order and adjudication of any One justice of the peace for the county or place to which such penalty shall be incurred, on complaint to him for that purpose exhibited, and shall afterwards be levied, as well as the costs of such proceedings, in case of nonpayment, by distress and sale of the goods and chattels of the offender or offenders, or person or persons liable to pay the same, by warrant under the hand and seal of such justice, who is hereby authorized and required to summon before him any witness or witnesses, and to examine such witness or witnesses upon oath (or affirmation) of and concerning such offences matters or things, and to hear and determine the same; and the overplus (if any) of the money so levied or recovered, after discharging the fine penalty or forfeiture for which such warrant shall be issued, and the costs and expenses of recovering and levying the same, shall be returned upon demand, to the owner or owners of the goods or chattels so seized or distrained; and in case such penalties or forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justice to order the offender or offenders so convicted, to be detained and kept in safe custody, until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justice, for his or their appearance before such justice, on such day or days as shall be appointed for the return of such warrant

of

of distress, such day or days not being more than Seven days from the time of taking any such security, and which security the said justice is hereby empowered to take, by way of recognizance, or otherwise; out if, upon the return of such warrant, it shall appear that no sufficient distress  
 5 can be had thereupon, then it shall be lawful for such justice, or any other justice of the peace for such county or place as aforesaid, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the goal of such county or place, there to remain, without bail or mainprize, for any  
 10 term not exceeding Two calendar months, unless such penalties or forfeitures respectively, and all reasonable charges, shall be sooner paid and satisfied; and one moiety of such penalties or forfeitures, when so levied, shall be paid to the informer, and the other moiety shall be paid and applied to the use of the poor of the parish in which such offence shall  
 15 be committed, in such manner as such justice shall direct and appoint.

Application, *half* to informer and *half* to the poor.

AND for the more easy and speedy conviction of the offenders against this Act, BE it further Enacted, That every justice of the peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the  
 20 following form of words, (as the case shall happen) or in any other form of words to the same effect; (that is to say)

Form of conviction.

to wit. } " BE it Remembered, That on the day of in the year  
 " of our Lord  
 25 " A. B. is convicted before me, one of His Majesty's justices  
 " of the peace of the said county, [or, city, or, town, as the  
 " case may be,] by virtue of an Act, passed in the fourth year  
 " of the reign of King GEORGE the Fourth, intituled, ' An Act  
 " [here set forth the title of this Act, and specify the offence,  
 30 " and when and where committed.] Given under my hand and  
 " seal, the day and year above written."

Provided always, and be it further Enacted, That it shall be lawful for any person who shall think himself or herself aggrieved by any such conviction, to appeal to the justices of the peace at the next general quarter  
 35 sessions of the peace to be holden for the county or place; and every person appealing against any such conviction, shall (if there be sufficient time after the cause of complaint shall have arisen) first give, or cause to be given Ten days notice at least in writing, of his or her intention of bringing  
 such appeal, and of the matter thereof, to the justice or other person or persons whose act or determination shall be so appealed against, and within  
 40 Seven days next after the date of such notice, shall enter into a recognizance before some justice of the peace for the county or place, with Two sufficient sureties conditioned to try such appeal, and abide the order thereon, and to pay such costs as shall be awarded by the justices at such quarter  
 45 sessions, or any adjournment thereof; and for want of sufficient time for giving such notice previous to the quarter sessions next after the cause of any such complaint shall have happened, then such appeal, after such notice,

Persons aggrieved may appeal to Quarter Sessions, giving ten days notice and security with two sureties within seven days.

363. And

and under such recognizance, may be made at the second general quarter sessions of the peace to be holden for such county or place; and the justices, at such first or second sessions, or any adjournment thereof, upon due proof of such notice having been given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the cause and matter of such appeal in a summary way, and shall award such costs to the parties appealing or appealed against, as they the said justices shall think proper; and the determination of such justices at such quarter sessions shall be final binding and conclusive, to all intents and purposes; and it shall be lawful for the said justices at such sessions, by their order or warrant, to levy such costs so awarded, by distress and sale of the goods and chattels of the person or persons who shall refuse or neglect to pay the same; and for want of sufficient distress to commit such person or persons to the common gaol or house of correction for the said county, there to remain for any time not exceeding Two calendar months, or until payment of such costs.

Costs of  
appeal reco-  
vable by  
distress.

Penalty  
two  
months  
imprison-  
ment.

Proceedings  
not to be  
quashed for  
want of form.

And be it further Enacted, That no order made touching or concerning any of the matters in this Act contained, nor any proceedings to be had touching the conviction of any offender or offenders against this Act, shall be quashed for want of form, nor be removed or removable by *certiorari*, or any other writ or process whatsoever, into any of His Majesty's courts of record at *Dublin*; and where any distress shall be made for any sum or sums of money, to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any defect or want of form in the summons, or conviction, or in the warrant of distress or other proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards committed by the party or parties distraining; but the person or persons aggrieved by such irregularity, shall and may recover full satisfaction for the special damage (if any,) in an action on the case; but no plaintiff or plaintiffs shall recover in any action for such irregularity as aforesaid, if tender of sufficient amends hath been made by or on behalf of the party distraining, before such action commenced.

Limitation of  
actions, &c.  
three  
months;  
thirty  
days  
notice.

Venue.

General issue.

And be it further Enacted, That no action suit or proceeding shall be commenced or prosecuted against any justice of the peace, or any commissioner or umpire, or other person or persons, for any thing done in pursuance of this Act, until Thirty days notice thereof shall be given to such justice, or commissioner, or umpire, or other person or persons, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after Three calendar months next after the fact committed; and every such action, or suit or prosecution shall be laid or brought in the county, county of a city, or county of a town where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action suit or prosecution, shall and may at his or their election plead specially, or the general issue, not guilty, and give this Act and the special matter in evidence at any

any trial to be had thereupon, and that the same was done in pursuance  
and by the authority of this Act; and if any replevin shall be brought  
for any cattle goods or chattels seized or taken by virtue or in pursuance  
of this present Act, it shall and may be lawful and sufficient to and for  
5 any collector or other person, who shall be defendant or defendants, or  
avowant or avowants, in any such replevin, to avow plead or make  
cognizance generally, that he or they took the same cattle goods or  
chattels, as a distress, by reason of the non-payment of composition for  
Tithe, by force of the Statute in that case made and provided, without  
10 more particularly setting forth this Act, or the cause of making or detain-  
ing the said distress or distresses, or making any other more special  
plea avowry or cognizance; any thing herein contained to the contrary  
notwithstanding; and if it shall appear that the matter on which the  
cause of action arose was done, or that the distress replevied was made  
15 in pursuance and by authority of this Act, or that such action or suit shall  
have been brought before Thirty days notice thereof was given as  
aforesaid, or after a sufficient satisfaction made or tendered as aforesaid,  
or after the time limited for bringing the same as aforesaid, or shall be  
brought in any other county, county of a city, or county of a town than  
20 as aforesaid, then the jury shall find for the defendant or defendants, or  
avowant or avowants; and upon such verdict, or if the plaintiff or plain-  
tiffs shall be nonsuited, or shall discontinue his her or their action, suit  
or prosecution, after the defendant shall have appeared, or if upon de-  
murrer, judgment shall be given against the plaintiff or plaintiffs, the  
25 defendant or defendants, or avowant or avowants, shall recover double  
costs, and have such remedy for the same as any defendant or defendants  
bath or have in any case of law.

General  
avowry in  
replevin.

Double Costs.

Act may be  
amended.

And be it further Enacted, That this Act may be amended, altered  
or repealed, by any Act or Acts to be passed in this present Session of  
30 Parliament.

## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

LIST of Persons in the Parish of \_\_\_\_\_ who have been charged with,  
or have paid the highest rate of Tithes, for the Year ending on the  
day of \_\_\_\_\_ 18\_\_ to the Ecclesiastical Incumbent of such parish.

| NAMES.           | Quantity of Land charged. | Amount paid or charged. |
|------------------|---------------------------|-------------------------|
| Patrick Murphy - | 15 acres                  | £. s. d.                |
| James Burke - -  | 30 acres                  |                         |
| David Smith - -  | 40 acres                  |                         |

I, C. D. rector [or, vicar, or, ecclesiastical incumbent] of the parish of \_\_\_\_\_ do certify, That the above list contains, to the best of my knowledge and belief, a true and just account of all things required of me as ecclesiastical incumbent of the said parish of \_\_\_\_\_ under an Act passed in the fourth year of the reign of King GEORGE the Fourth, intitled, [here set forth the title of this Act.]

(Signed) C. D. Rector, [or, Vicar  
or, Ecclesiastical Incumbent] of the said parish.

## SCHEDULE (B.)

We, A. B. and C. D. Commissioners duly appointed [or, I, E. F. having been duly sworn an Umpire, or, I, G. H. having been duly appointed a Commissioner by the Lord Lieutenant or other chief governor or governors of Ireland] under and by virtue of an Act made in the fourth year of the reign of King GEORGE the Fourth, intitled, [here set forth the title of this Act] to ascertain and fix a true and just Composition of all Tithes arising, growing, yielded or payable within the parish of C. in the county of \_\_\_\_\_ do hereby certify, That the true and just amount of Composition for all Tithes whatever within the said parish, is \_\_\_\_\_ pounds by the year. Of which sum of \_\_\_\_\_ pounds, three fourth parts [or such other proportion as shall be specified] are due and payable to \_\_\_\_\_ as a Composition for the Tithe claimable by him [or, them] as rector of the said parish [or, as owner of the rectorial Tithe, or, as lay impropriator], one eighth part [or such other proportion as shall be specified] is due and payable to \_\_\_\_\_ the vicar [or, to \_\_\_\_\_ as owner of the vicarial Tithes] of the said parish; and one eighth part [or such other proportion as shall be specified] is due and payable to the bishop of the diocese of \_\_\_\_\_ : [or such other proportions, and payable to such persons as the nature of the case shall require.]

And we [or, I] do further certify, That the average Price of Wheat for the period of three years, ending on the \_\_\_\_\_ day of \_\_\_\_\_ within the said county, is \_\_\_\_\_ shillings per barrel, and that the average price of oats for the same period within the same county is \_\_\_\_\_ shillings per barrel.

(Signed) A. B. }  
C. D. } Commissioners.

[or, E. F. Umpire.]

[or, G. H. Commissioner of the Lord Lieutenant.]